

REMARKS

Claims 32-48 and 50-61 are pending, with claims 32, 50 and 60 being the independent claims. By this Amendment, claim 49 is canceled and claims 32, 50, and 60 have been amended.

Reconsideration based on the following remarks is respectfully requested.

The Office Action rejects claims 32-34, 42, 47, 50, 52, 54, 58 and 60 under 35 U.S.C. 102(b) over Pourchez (U.S. Patent No. 6,001,079); claims 38, 49 and 56 under 35 U.S.C. 103(a) over Pourchez; claims 35, 39-41, 43, 57, 59 and 61 under 35 U.S.C. 103(a) over Pourchez in view of Schwiekert et al. (U.S. Patent No. 6,719,749); claims 36 and 37 under 35 U.S.C. 103(a) over Pourchez in view of Schon (U.S. Patent No. 6,682,519) and Smith, III (U.S. Patent No. 4,832,687); claims 44-46, 53 and 55 under 35 U.S.C. 103(a) over Pourchez in view of Schweikert, and further in view of Markel (U.S. Patent No. 5,624,413); and claim 48 under 35 U.S.C. 103(a) over Pourchez in view of Herweck et al. (U.S. Patent No. 5,197,976). These rejections are respectfully traversed.

Pourchez, alone or in combination with the other applied references, does not teach or suggest a multi-lumen catheter in which, *inter alia*, proximal single-lumen tubes have longitudinal axes which intersect at an included angle in a free state, the included angle being in a range from about 10 degrees to about 30 degrees, as recited in claims 32, 50 and 60.

Instead, the elongated end portion 13, 14 of Pourchez extend substantially parallel to the longitudinal axis of the catheter when the catheter is in the "rest position". See column 2, lines 36-40 of Pourchez. That is, the angle between the longitudinal axes of the end portion 13, 14 of Pourchez is 0 degrees. The Office Action states that it would have been obvious to set the angle in Pourchez at any suitable value. However, Pourchez teaches away from varying this angle, since Pourchez specifically teaches that the parallel configuration results in reduced risk of obstruction by clogging. See, for example, column 2, lines 47-51 of Pourchez.

For at least these reasons, it is respectfully submitted that independent claims 32, 50 and 60 are in condition for allowance. The dependent claims are also allowable for the reasons discussed as well as for the additional features they recite. Applicants respectfully request that a timely Notice of Allowance be issued in this case.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 01-1785.

Respectfully submitted,

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Dated: New York, New York
December 23, 2009

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